

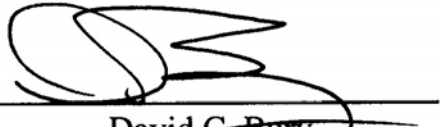


1 The Court intended that the parties would disclose the actual declarations to one  
2 another on December 4,<sup>1</sup> to allow sufficient time for the parties to challenge or rebut the  
3 declarations prior to the scheduled evidentiary hearing. With the knowledge that the  
4 evidentiary hearing will begin on February 6, Respondents do not object to allowing  
5 Petitioner until January 3, 2007, to disclose the actual declarations. Therefore, the Court will  
6 grant the requested extension but does not intend to extend other deadlines or the hearing  
7 based on this unopposed request. Additionally, the Court strongly encourages Petitioner to  
8 complete the declarations as soon as possible and to disclose them as they become available.

9 Accordingly,

10 **IT IS ORDERED** that Petitioner's Motion for Clarification and Unopposed Motion  
11 for Extension of Time (Dkt. 173) is **GRANTED**. Petitioner shall complete disclosure of all  
12 witness declarations upon which he intends to rely in lieu of live testimony on or before  
13 **January 3, 2007**.

14 DATED this 6<sup>th</sup> day of December, 2006.

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19 David C. Bury  
20 United States District Judge  
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25 <sup>1</sup> The Court notes that it does not find the language of its Order ambiguous and  
26 Respondents experienced no difficulty interpreting it (*see* Dkt. 172). More significantly, in  
27 an ex parte sealed budget motion, one of the reasons counsel requested additional hours was  
28 the need to "draft declarations for the December 5 witness disclosure" (Dkt. 158 at 15); thus,  
it appears that as of October 27, 2006, counsel believed the Court's order required the  
disclosure of the actual declarations by the December deadline.